

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMSUNG ELECTRONICS CO., LTD.)	
AND SAMSUNG SEMICONDUCTOR,)	
INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 21-1453 (RGA)
v.)	
)	
NETLIST, INC.,)	
)	
Defendant.)	

NOTICE OF DEVELOPMENTS IN RELATED ACTION

Plaintiffs Samsung Electronics Co., Ltd. (“SEC”) and Samsung Semiconductor, Inc. (“SSI”) (collectively, “Samsung”) submit this notice to inform the Court of recent developments in the related action Netlist filed against SEC, SSI, and Samsung Electronics America, Inc. (“SEA”) in the U.S. District Court for the Eastern District of Texas, Case No. 2:21-cv-00463-JRG (“Texas Action”).

In the original complaint in the Texas Action, filed on December 20, 2021, Netlist alleged that SEC, SSI, and SEA infringe U.S. Patent Nos. 10,860,506 (the “’506 patent”), 10,949,339 (the “’339 patent”), and 11,016,918 (the “’918 patent”), and Netlist also stated that it would assert then-pending U.S. Patent No. 11,232,054 (the “’054 patent”), a continuation of the ’918 patent, once it issued from the Patent Office. *See* Texas Action, D.I. 1, ¶¶ 2, 32. On May 3, 2022, Netlist filed a First Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(1)(B). *See* Texas Action, D.I. 23. In the First Amended Complaint, Netlist continues to allege infringement of the ’506, ’339, and ’918 patents, and Netlist has added claims for infringement of the ’054 patent and U.S. Patent Nos. 8,787,060 (the “’060 patent”) and 9,318,160 (the “’160 patent”). *See id.* ¶¶ 2-3.

Netlist accuses certain Samsung dual in-line memory modules (DIMMs) of infringing the '506, '339, '918, and '054 patents. *Id.* ¶¶ 66, 79, 93, 106. Netlist accuses Samsung's high bandwidth memory products of infringing the '060 and '160 patents. *Id.* ¶¶ 118, 128.

In the present action, Samsung has asserted declaratory judgment claims and a breach of contract claim relating to the '506, '339, and '918 patents, D.I. 14, and on the day the '054 patent issued (January 25, 2022), Samsung moved for leave to amend its complaint to assert claims relating to that patent, D.I. 18-1. Because these four patents (the "Overlap Patents") are at issue in both the Delaware and Texas actions, on May 27, 2022, Samsung filed a motion in the Texas Action to (a) sever the claims relating to the Overlap Patents from the claims relating to the '060 and '160 patents, and (b) stay the claims relating to the Overlap Patents pending this Court's ruling on Netlist's motion to dismiss Samsung's First Amended Complaint (D.I. 24) and Samsung's motion for leave to file a Second Amended Complaint (D.I. 18). *See* Texas Action, D.I. 26.

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on June 1, 2022, upon the following in the manner indicated:

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